

RHODE ISLAND PAROLE BOARD GUIDELINES
ADOPTED UNANIMOUSLY BY THE
RHODE ISLAND PAROLE BOARD
ON
MARCH 28, 2007

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PREAMBLE

The Rhode Island Parole Board, in establishing these guidelines pursuant to the provisions of Rhode Island General Laws §13-8-14.1, is mindful that it has the authority to make a determination at variance with these guidelines, if a finding can be made that such determination is warranted by individualized factors, such as the character and criminal record of the applicant; the nature and circumstances of the offense; the conduct of the applicant while in prison; and the other criteria set forth in Rhode Island General Laws §13-8-14. When the Rhode Island Parole Board indicates that the inmate is to be required to serve a certain fraction of his/her sentence, it is basing this on a fraction of the commuted time as opposed to the full time.

Each inmate continues to be eligible to be seen by the Rhode Island Parole Board at the time set by statute under RIGL §13-8-9 and §13-8-13, at which time the guidelines relative to his/her particular offense will be discussed with the inmate.

This is not a comprehensive list of offenses and guidelines for parole eligibility. This is a set of guidelines pertaining to those offenses, which frequently come before the Parole Board.

Respectfully Submitted,

THE RHODE ISLAND PAROLE BOARD

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DATE: March 28, 2007

The following guidelines are hereby unanimously adopted by the Rhode Island Parole Board pursuant to Rhode Island General Laws §13-8-14.1:

RIGL 11-4-2**ARSON**

A person convicted and sentenced to prison on a charge of first degree Arson, as defined in RIGL §11-4-2, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-4-3

A person convicted and sentenced to prison on a charge of second degree Arson, as defined in RIGL §11-4-3, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-4-4

A person convicted and sentenced to prison on a charge of third degree Arson, as defined in RIGL §11-4-4, should serve two-thirds (2/3) of his/her sentence before being considered for a parole release.

RIGL 11-4-5

A person convicted and sentenced to prison on a charge of fourth degree Arson, as defined in RIGL § 11-4-5, should serve one-third (1/3) of his/her sentence before being considered for parole release.

RIGL 11-4-6

A person convicted and sentenced to prison on a charge of fifth degree Arson, as defined in RIGL § 11-4-6, should serve one-third (1/3) of his/her sentence before being considered for parole release.

RIGL 11-4-7

A person convicted and sentenced to prison on a charge of sixth degree Arson, as defined in RIGL §11-4-7, should serve one-third (1/3) of his/her sentence before being considered for parole release.

RIGL 11-5-1**ASSAULT WITH INTENT TO COMMIT SPECIFIED FELONIES**

A person convicted and sentenced to prison on a charge of Assault With Intent To Commit Specified Felonies, as defined in RIGL §11-5-1, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-5-2**FELONY ASSAULT**

A person convicted and sentenced to prison on a charge of Felony Assault, as defined in RIGL §11-5-2, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-5-3

SIMPLE ASSAULT OR BATTERY

A person convicted and sentenced to prison on a charge of Felony Assault, as defined in RIGL §11-5-2, should serve one-half (1/2) of his/her sentence before being considered for parole release

RIGL 11-5-4

ASSAULT WITH A DANGEROUS WEAPON IN A DWELLING HOUSE

A person convicted and sentenced to prison on a charge of Assault With A Dangerous Weapon in a Dwelling House, as defined in RIGL §11-5-4, should serve two-thirds (2/3) of his/her sentence before being considered for parole release

RIGL 11-5-5

ASSAULT OF POLICE OFFICERS AND OTHER OFFICIALS

A person convicted and sentenced to prison on a charge of Assault on Police Officers, Firemen, Bus Drivers, Judges and Dog Officers, as defined in RIGL §11-5-5, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-5-7

ASSAULT OF SCHOOL TEACHERS, SCHOOL OFFICIALS, OR SCHOOL DEPARTMENT EMPLOYEES

A person convicted and sentenced to prison on a charge of Assault on school teachers and other school officials, as defined in RIGL §11-5-7, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-5-8

ASSAULT ON CORRECTIONAL OFFICER OR TRAINING SCHOOL EMPLOYEE

A person convicted and sentenced to prison on a charge of Assault on Correctional Officers and Counselors, as defined in RIGL §11-5-8, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-5-10

**ASSAULT ON PERSONS 60 YEARS OF AGE OR OLDER
CAUSING SERIOUS BODILY HARM**

A person convicted and sentenced to prison on a charge of Assault on Persons 60 Years of Age or Older Causing Serious Bodily Harm, as defined in RIGL § 11-5-10, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-5-10.1

**ASSAULT ON PERSONS 60 YEARS OF AGE OR OLDER
CAUSING SERIOUS BODILY INJURY**

A person convicted and sentenced to prison on a charge of Assault on Persons 60 years of age or older as defined in RIGL §11-5-10.1, should serve two-thirds (2/3) of his/her sentence before being considered for parole release

RIGL 11-5-10.2

**ASSAULT ON PERSONS WHO ARE SEVERELY
IMPAIRED CAUSING SERIOUS BODILY INJURY**

A person convicted and sentenced to prison on a charge of Assault, as defined in RIGL §11-5-10.2, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-5-10.3

**ASSAULT ON PERSONS 60 YEARS OF AGE OR OLDER
BY CARETAKER CAUSING BODILY INJURY**

A person convicted and sentenced to prison on a charge of Assault on Physically Handicapped persons, as defined in RIGL §11-5-10.3, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

**RIGL 11-5-10.4 ASSAULT ON PERSONS 60 YEARS OF AGE OR OLDER
BY CARETAKER CAUSING SERIOUS BODILY INJURY**

A person convicted and sentenced to prison on a charge of Assault on Persons 60 years of age or older by persons Responsible for their Care, as defined in RIGL §11-5-10.4, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-5-11 RETARDED OR SEVERELY IMPAIRED

A person convicted and sentenced to prison on a charge of Assault on Mentally retarded persons, as defined in RIGL §11-5-11, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

**RIGL 11-7-3 SOLICITATION OR ACCEPTING A BRIBE BY AN
AGENT, EMPLOYEE, OR PUBLIC OFFICIAL**

A person convicted and sentenced to prison on a charge of Solicitation or Accepting A Bribe by an Agent, Employee, or Public Official, as defined in RIGL §11-7-3, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-8-1 BURGLARY

A person convicted and sentenced to prison on a charge of Burglary, as defined in RIGL §11-8-1, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-8-1.1 ATTEMPTED BREAKING AND ENTERING

A person convicted and sentenced to prison on a charge of Attempted Breaking and Entering the dwelling house of another, as defined in RIGL §11-8-1.1, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-8-2

UNLAWFUL BREAKING AND ENTERING OF DWELLING HOUSE

A person convicted and sentenced to prison on a charge of Attempted Breaking and Entering the dwelling house of another, as defined in RIGL §11-8-2, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-8-2.3

BREAKING AND ENTERING OF DWELLING HOUSE OF PERSONS 60 YEARS OF AGE OR OLDER WHEN RESIDENT ON PREMISES

A person convicted and sentenced to prison on a charge of Attempted Breaking and Entering the dwelling house of persons 60 years of age or older, as defined in RIGL §11-8-2.3, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-8-2.4

BREAKING AND ENTERING OF DWELLING HOUSE OF A PERSON WHO IS SEVERELY IMPAIRED

A person convicted and sentenced to prison on a charge of Breaking and Entering the dwelling house of a person who is physically handicapped when resident is on premises, as defined in RIGL §11-8-2.4, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-9-1

EXPLOITATION FOR COMMERCIAL OR IMMORAL PURPOSES

A person convicted and sentenced to prison on a charge of Exploitation for Commercial or Immoral Purposes, as defined in RIGL §11-9-1 (a), should serve one-third (1/3) of his/her sentence before being considered for parole release.

A person convicted and sentenced to prison on a charge of Exploitation for Commercial or Immoral Purposes, as defined in RIGL §11-9-1(b), should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

A person convicted and sentenced to prison on a charge of Exploitation for Commercial or Immoral Purposes, as defined in RIGL §11-9-1(c), should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-9-5.3**CHILD ABUSE**

A person convicted and sentenced to prison on a charge of Child Abuse, as defined in RIGL §11-9-5.3, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-23-1**MURDER FIRST DEGREE**

A person convicted and sentenced to prison on a charge of first degree Murder, as defined in RIGL §11-23-1 shall serve fifteen (15) years of his/her sentence, before being considered for parole release.

RIGL 11-23-1**MURDER FIRST DEGREE SERVING LIFE**

A person convicted and sentenced to prison for life on a charge of first degree Murder committed after June 30, 1995, as defined in RIGL §11-23-1 shall serve twenty (20) years of his/her sentence, before being considered for parole release.

RIGL 11-23-1**MURDER SECOND DEGREE**

A person convicted and sentenced to prison on a charge of second degree Murder, as defined in RIGL §11-23-1, should serve two-thirds (2/3) or no more than fifteen (15) years of his/her sentence before being considered for parole release.

RIGL 11-23-1**MURDER SECOND DEGREE SERVING LIFE**

A person convicted and sentenced to prison for life on a charge of second degree Murder committed after June 30, 1995, as defined in RIGL §11-23-1 shall serve twenty (20) years of his/her sentence, before being considered for parole release.

RIGL 11-23-3**MANSLAUGHTER**

A person convicted and sentenced to prison on a charge of Manslaughter, as defined in RIGL §11-23-3, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-26-1**KIDNAPPING**

A person convicted and sentenced to prison on a charge of Kidnapping, as defined in RIGL §11-26-1, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-26-1.1**CHILDSNATCHING**

A person convicted and sentenced to prison on a charge of Child Snatching, as defined in RIGL §11-26-1.1, should serve one-third (1/3) of his/her sentence before being considered for parole release.

RIGL 11-26-1.2**ABDUCTION OF CHILD**

A person convicted and sentenced to prison on a charge of Abduction of a Minor, as defined in RIGL §11-26-1.2, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-26-1.4**KIDNAPPING OF A MINOR**

A person convicted and sentenced to prison on a charge of Kidnapping of a Minor, as defined in RIGL §11-26-1.4, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-37-2**FIRST DEGREE SEXUAL ASSAULT**

A person convicted and sentenced to prison on a charge of First Degree Sexual Assault, as defined in RIGL §11-37-2, should serve two-thirds (2/3) or no more than fifteen (15) years of his/her sentence before being considered for parole release.

RIGL 11-37-4**SECOND DEGREE SEXUAL ASSAULT**

A person convicted and sentenced to prison on a charge of Second Degree Sexual Assault, as defined in RIGL §11-37-4, should serve two-thirds (2/3) or no more than fifteen (15) years of his/her sentence before being considered for parole release.

RIGL 11-37-6**THIRD DEGREE SEXUAL ASSAULT**

A person convicted and sentenced to prison on a charge of Third Degree Sexual Assault, as defined in RIGL §11-37-6, should serve one-half (1/2) of his/her sentence before being considered for parole release.

RIGL 11-37-8.1**FIRST DEGREE CHILD MOLESTATION SEXUAL ASSAULT**

A person convicted and sentenced to prison on a charge of First Degree Child Molestation, as defined in RIGL §11-37-8.1, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-37-8.3**SECOND DEGREE CHILD MOLESTATION SEXUAL ASSAULT**

A person convicted and sentenced to prison on a charge of Second Degree Child Molestation, as defined in RIGL §11-37-8.3, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-39-1**ROBBERY**

A person convicted and sentenced to prison on a charge of Robbery, as defined in RIGL §11-39-1, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-41-1**STEALING AS LARCENY**

A person convicted and sentenced to prison on a charge of Theft, Embezzlement, False Pretenses and Misappropriation of Funds, as defined in RIGL §11-41-1, should serve one half (1/2) of his/her sentence before being considered for parole release. Any person in a fiduciary capacity (i.e. attorney, trustee, etc.) who commits said offense should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-41-7**LARCENY FROM THE PERSON**

A person convicted and sentenced to prison on a charge of Larceny from a Person, as defined in RIGL §11-41-7, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 11-57-2**RICO STATUTES**

A person convicted and sentenced to prison on a charge under the State RICO statutes, as defined in Rhode Island General Law 11-57-1 and 11-57-2, should serve two-thirds of his or her sentence before being considered for parole release.

RIGL 12-19-21**HABITUAL CRIMINAL**

The habitual criminal, as defined in RIGL §12-91-21 should serve two-thirds (2/3) of his/her sentence before being considered for parole release, unless the sentencing court, pursuant to RIGL §12-19-21, has set a later date for said consideration.

RIGL 13-8-18**PAROLE REVOCATION FOR NEW FELONY**

A person convicted and sentenced to prison for a Felony committed while on parole should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 21-28-1.01**UNIFORM CONTROL SUBSTANCE ACT**

A person convicted and sentenced to prison on a charge of Distribution of Drugs to any Person, as defined in RIGL § 21-28-1.01, of any drug, including marijuana, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 31-27-1**DRIVING SO AS TO ENDANGER, RESULTING IN DEATH**

A person convicted and sentenced to prison on a charge of Driving to Endanger, as defined in RIGL §31-27-1, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

RIGL 31-27-2.2**DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS, RESULTING IN DEATH**

A person convicted and sentenced to prison on a charge of Driving Under the Influence Resulting in Death, as defined in RIGL §31-27-2.2, should serve two-thirds (2/3) of his/her sentence before being considered for parole release.

OTHER MOTOR VEHICLES OFFENSES

A person convicted and sentenced to prison on a charge of other Motor Vehicle Offenses (not involving a victim), should serve one-third (1/3) of his/her sentence before being considered for parole release.

CONSPIRACY TO COMMIT

A person convicted and sentenced to prison on a charge of “Conspiracy” to commit any of the crimes above referenced, should serve the same amount of time required for the actual commission of the crime.